

Message Text

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ORIGIN SCSE-00

INFO OCT-01 ARA-10 ISO-00 DHA-02 L-03 H-02 SIG-02 /020 R

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P R 022137Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

INFO AMCONSUL CIUDAD JUAREZ

AMCONSUL GUADALAJARA

AMCONSUL HERMOSILLO

AMCONSUL MATAMOROS

AMCONSUL MAZATLAN

AMCONSUL MERIDA

AMCONSUL MONTERREY

AMCONSUL NUEVO LAREDO

AMCONSUL TIJUANA

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E.O. 11652: N/A

TAGS: CASC, MX

SUBJECT: W/W (ARRESTS)

REF: PL 94-329

1. AS THE EMBASSY IS AWARE, SECTION 408 (B)(2) OF THE
INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL
ACT OF 1976 (PL 94-329) REQUIRES THE SECRETARY TO REPORT
EVERY ONE HUNDRED AND TWENTY DAYS TO THE SPEAKER OF THE
HOUSE AND TO THE COMMITTEE ON FOREIGN RELATIONS OF THE
SENATE ON, "PROGRESS TOWARD FULL RESPECT FOR THE HUMAN AND
LEGAL RIGHTS OF ALL UNITED STATES CITIZENS DETAINED IN
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MEXICO."

2. IN ITS NEXT SUBMISSION TO THE CONGRESS, DUE ON THE HILL ON FEBRUARY 28, 1977, THE DEPARTMENT PLANS TO INCLUDE A STATISTICAL ANALYSIS OF ALL ARREST CASES OCCURRING BETWEEN JULY 21, 1975 AND JANUARY 15, 1977 USING THE SAME CRITERIA AS IN OUR JANUARY 27, 1976 REPORT TO THE FASCELL SUBCOMMITTEE. DEPARTMENT DOES NOT RPT NOT INTEND IN THIS PRESENTATION TO GIVE A COMPLETE CASE-BY-CASE ANALYSIS BUT ONLY AGGREGATE FIGURES.

3. ON BASIS OF THE ABOVE, EMBASSY IS REQUESTED TO COORDINATE EFFORTS OF POSTS IN MEXICO AND TO PROVIDE CORRELATED STATISTICAL DATA AS FOLLOWS:

A. TOTAL NUMBER OF INDIVIDUALS ARRESTED DURING REPORTING PERIOD, I.E., JULY 21, 1975 - JANUARY 15, 1977.

B. NOTIFICATION AND ACCESS: COVERS THE PROBLEM OF PROMPT NOTIFICATION TO APPROPRIATE CONSULAR POST WHENEVER AN AMERICAN CITIZEN IS ARRESTED AND THE GRANTING OF EARLY ACCESS THERETO BY THE CONSULAR OFFICER. DATA SHOULD BE REPORTED AS FOLLOWS: (1) NUMBER OF CASES WHERE SUCH NOTIFICATION AND ACCESS CONSIDERED ADEQUATE; (2) NUMBER OF CASES CONSIDERED INADEQUATE. POSTS SHOULD ALSO REPORT ONGOING STEPS TAKEN TO REMEDY DEFICIENCIES.

C. VISITATION: FREQUENCY OF VISITS UNDERTAKEN BY EACH POST TO EACH PRISONER WITHIN ITS CONSULAR JURISDICTION.

D. INNOCENCE: COVERS ANY CONTENTION BY A PRISONER THAT HE IS NOT RPT NOT GUILTY OF THE CRIME FOR WHICH CHARGED. DATA TO BE REPORTED AS FOLLOWS: (1) TOTAL ALLEGING INNOCENCE; (2) TOTAL WHICH CAN BE SUSTAINED; (3) TOTAL WHICH CANNOT BE SUSTAINED; (4) TOTAL ON WHICH NO CONCLUSION CAN BE REACHED.

E. ABUSE AT TIME OF ARREST: INCLUDES ALL CASES IN WHICH A PRISONER ALLEGES PHYSICAL ABUSE OR THE THREAT THEREOF BY ARRESTING OR INTERROGATING AGENTS TO EXTRACT INCRIMINATORY STATEMENTS ON WHICH TO BASE INVESTIGATIVE LEADS AND/OR UNCLASSIFIED

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COERCION INTO SIGNING STATEMENTS. DATA SHOULD BE REPORTED AS FOLLOWS: (1) TOTAL ALLEGING ABUSE; (2) TOTAL CASES WHERE ALLEGATION SUBSTANTIATED; (3) TOTAL CASES WHERE ALLEGATION WAS UNSUBSTANTIATED; (4) TOTAL CASES WHERE NO CONCLUSION CAN BE REACHED; (5) DETAILED REPORT ON REMEDIAL ACTION TAKEN AND RESULTS THEREOF.

F. CONFISCATION OF PROPERTY INCLUDES ALL ASPECTS OF ILLEGAL

SEIZURE AND RETENTION OF A PRISONER'S BELONGINGS. DATA SHOULD BE REPORTED AS IN ITEM E.

G. EXTORTION BY ATTORNEY: INCLUDES CLAIMS OF INADEQUATE SERVICE BY ATTORNEYS AND OUTRIGHT EXTORTION. DATA SHOULD BE REPORTED AS IN ITEM E.

H. ABUSE IN PRISON: INCLUDES A WIDE RANGE OF ABUSES INCLUDING EXTORTION, EXCESSIVE WORK DETAILS, BEATINGS, WITH-

HOLDING OF MAIL AND OTHER DEGRADING OR INHUMANE TREATMENT. DATA SHOULD BE REPORTED AS IN PREVIOUS HEADINGS.

I. PROLONGED DETENTION WITHOUT JUDGMENT: INCLUDES ALL CASES IN WHICH A PRISONER HAS BEEN INCARCERATED FOR MORE THAN THE ONE YEAR TRIAL PERIOD SPECIFIED IN MEXICAN LAW BUT HAS NOT BEEN SENTENCED. DATA SHOULD BE REPORTED AS FOLLOWS: (1) TOTAL DETAINED BEYOND ONE YEAR; (2) TOTAL WHO HAVE NOT BEEN SENTENCED DUE TO DELIBERATE AND WILLING DEFENSE TACTIC; (3) TOTAL WHO HAVE NOT BEEN SENTENCED FOR WHICH NO ACCEPTABLE REASON FOR DELAY HAS BEEN FOUND; (4) REMEDIAL ACTION AND RESULTS.

4. WHEN SUBMITTING STATISTICAL DATA POSTS SHOULD INCLUDE SUCH INTERPRETATIVE MATERIAL AND COMMENTS AS WILL AID DEPARTMENT IN PRESENTING MATERIAL TO CONGRESS INCLUDING DEVELOPMENTS OF TRENDS, ETC.

5. ALL MATERIAL MUST BE IN THE DEPARTMENT NOT LATER THAN COB JANUARY 31, 1977, IN ORDER THAT THE ACTUAL PRESENTATION MAY BE DRAFTED AND SENT TO THE CONGRESS BY THE FEBRUARY 28 DEADLINE. THE EMBASSY MAY WISH TO SUBMIT ALL OF THE UNCLASSIFIED

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MATERIAL REQUESTED IN ONE COMPREHENSIVE TELEGRAM OR MAY SEND SEPARATE TELEGRAMS ON EACH TOPIC AS COMPLETED. KISSINGER

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